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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,620	09/27/2001	Rajeev Grover	10011083 -1	4790

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

GILLIS, BRIAN J

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/966,620	Applicant(s) GROVER ET AL.	
	Examiner Brian Gillis	Art Unit 2141	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-7, 9, 10 and 12-23.
Claim(s) withdrawn from consideration: 8 and 11.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Applicant's arguments have been fully considered but they are not persuasive.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philippou et al (US Patent #6,385,648) in view of Ylonen (US Patent #6,782,474).

Claims 1, 15, 16, and 19 disclose a method for configuring a first parameter to a first device, comprising the steps of: providing a network communication channel connected to the first device and to a configuring machine (In Figure 2, Philippou et al teaches of a box and a configuring box connected together through a network.); from the configuring machine, sending the first parameter and a device's identifier to the communication channel (Philippou et al teaches that an initialization message is broadcast by the configuration utility with a unique identifier (column 5, 48-50).); acquiring the first parameter upon identifying the device's identifier on the communication channel; configuring the first parameter to the first device (Philippou et al continues by teaching the initialization message being received by the correct device and continues to configure information to the first device (column 5, 50-60).); and turning-off a feature to configure the first device until the first device is in an un-configured state; wherein the first device is embedded in a second device and provides administrative capabilities to the second device. (Philippou et al discloses that the first

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device will interface with external systems or boxes in turn providing administrative capabilities to, tools managing a, and providing interactions between a second and a third device to a second device. Philippou et al also states that network interfaces may be considered part of the computer system (column 3, 43-53)). It fails to teach of turning off a feature to configure the first device until the first device is in an un-configured state. Ylonen teaches of disabling listening for configuration packets once it has been configured which provides a turning off feature (column 8, 66-67, column 9, 1-9).

Philippou et al and Ylonen are analogous art because they are both related to network configurations.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the disabling feature in Ylonen with the method in Philippou et al because configuration data can be loaded in a reliable manner (Ylonen, column 2, 58-63).

Claims 2, 18, and 21 disclose the method of claims 1, 16, and 19 wherein the first device further provides console capabilities to the second device. Philippou et al discloses a network interface, which is part of and can be embedded in the first device and can provide console capabilities to the first device (column 3, 43-50).

Claim 3 discloses the method of claim 1 wherein the step of sending comprising the steps of: sending the first parameter to a table in the configuring machine; and obtaining the first parameter from the table. Philippou et al shows in Figure 4, a table,

which holds the information for the network it has configured and sends information from this table to the devices.

Claims 5, 17, and 20 disclose the device's identifier is a media access control of the first device. Philippou et al discloses a unique identifier, which includes a serial number (column 3, 16-18). It is widely known that the media access control address is a unique device identifier.

Claim 6 discloses the method wherein the first device performing the step of acquiring the first parameter. Philippou et al, shows of the network interface communicating with external systems and boxes (column 3, 48-50).

Claim 7 discloses the method wherein the step of acquiring comprises the steps of: the second device obtaining the first parameter, and acquiring the first parameter from the second device. In Philippou et al they state that the computer system may include the network interface as part of the system, which would allow the second device to obtain, the first parameter and the first device acquire the first parameter from the second device (column 3, 49-53).

Claim 9 discloses the method of claim 1 wherein the first device communicates with the second device via an interconnect selected from a group consisting an input output interconnect, a peripheral component interconnect bus, an industry standard architecture bus, an extended industry standard architecture bus, an infiniband, and a personal computer memory card international association standard. Figure 3 of Philippou et al discloses the second device being part of a bus which is widely known to consist of an input-output interconnect, a peripheral component interconnect bus, and

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industry standard architecture bus, an extended industry architecture bus, an infiniband and a personal computer memory card international association standard.

Claim 10 discloses a method of claim 1 wherein the device identifier is selected from a group consisting of an internet protocol address of the second device, a media access control address of the second device, and an asynchronous transfer mode address of the second device. Philippou et al discloses that the unique identifier includes a serial number of the box, which is the second device (column 3, 16-18). It is widely known that the three options are well known unique identifiers.

Claim 11 discloses the method of claim 1 further comprising the step of inhibiting future configurations to the first device until the first device is in an un-configured state. In Figure 5, Philippou et al shows that at the end of the initialization procedure the procedure will end until the device is in an un-configured state.

Claim 4 discloses the method of claim 3 wherein: the first parameter is an internet protocol address; an address resolution protocol command sending the internet protocol address to the table; and a packet internet groper protocol command obtaining the internet protocol address from the table. In claim 4 Philippou et al teaches of the limitations of claim 1, 2 and 3 as recited above (figure 2 and 4, column 3, 43-50, and column 5, 48-60). It fails to teach of a packet containing a parameter and a command. Ylonen teaches of a packet with a parameter and commands (column 7, 20-29).

Philippou et al and Ylonen are analogous art because they are both related to network configurations.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ylonen configuration packet structure and adapt it to work with the method of configuring a first device as taught by Philippou et al because a fast and effective way to send configuration data over the network to the unconfigured device is achieved.

Claims 12 and 22 disclose the method of claim 1 further comprising the step of configuring a second parameter to the first device, the second parameter being sent with the first parameter in a packet. In claim 12 Philippou et al teaches all the limitations of the claim 1 as recited above (figure 2, column 3, 43-50, and column 5, 48-60). It fails to teach configuring a second parameter to the first device and having the second parameter sent with the first parameter in a packet. Ylonen teaches a configuration packet, which may typically contain various parameters such as the device's IP address, netmask, default gateway, the management station's IP address, and device identifier (column 7, 20-29). Philippou et al and Ylonen are analogous art because they are both related to network configurations.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ylonen's teaching of having multiple parameters sent in the packet and adapt it to work with the method of configuring a first device as taught by Philippou et al because information is provided to the device that is being configured to be able to validate that the data being sent is for the correct machine and is coming from the correct management station. This would provide a more efficient way to configure remote devices with less user interaction.

Claim 13 and 23 disclose the method of claim 1 further comprising the step of sending a command with the first parameter in a packet, the command being executed in the first device. Philippou et al teach all of the limitations of claim 1 as recited above and also having the first device execute instructions (figure 2, column 3, 43-50, and column 5, 48-60). It fails to teach sending a command with the first parameter in a packet. Ylonen teaches of a configuration packet, which will typically contain the new device's device identifier, the device's IP address, netmask, default gateway, and the management station's IP address and device identifier and/or public key. It may also contain information for setting up verification of the packet from the correct management station (column 7, 20-29).

Philippou et al and Ylonen are analogous art because they are both related to network configurations.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ylonen's teaching of including the public key in the configuration packet and adapt it to work with the method of configuring a first device as taught by Philippou et al because a method is provided to the device that is being configured to be able to validate that the data being sent is for the correct machine and is coming from the correct management station. It would also allow the unconfigured device to configure itself with the data provided. This would provide a more efficient way to configure remote devices with less user interaction.

Claim 14 discloses the method of claim 1 wherein the step of acquiring comprises the step of checking whether the first parameter is valid. Philippou et al

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teaches all of the limitation of claim 1 as recited above (figure 2, column 3, 43-50, and column 5, 48-60). It fails to teach of a step of checking whether the first parameter is valid. Ylonen teaches a method to authenticate the parameter that was sent from the management station. Each system will send its public key to the other and the new device will compute the transmitting system's device identifier from the public key and any other data provided. The new device then compares the computed value with the known device identifier of the correct management station (column 7, 45-55).

Philippou et al and Ylonen are analogous art because they are both related to network configurations.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ylonen's authentication method and adapt it to work with the method of configuring a first device as taught by Philippou et al because a method is provided to the device that is being configured to be able to validate that the data being sent is for the correct machine and is coming from the correct management station. It would also allow the unconfigured device to configure itself with the data provided. This would provide a more efficient way to configure remote devices with less user interaction.

Response to Arguments

Applicant's arguments filed July 5, 2005 have been fully considered but they are not persuasive.

Applicant asserts Philippou does not disclose the element "wherein the first device provides administrative capabilities to a second device. Examiner respectfully

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disagrees, Philippou does disclose this feature by disclosing that the computer system may be used for the other boxes as well and will interface with external systems or boxes connected on a network in turn providing administrative capabilities to, tools managing, and providing interactions between a second and a third device to a second device (column 2, 60-67, column 3, 43-50).

Applicant asserts Ylonen does not disclose the claimed element of "turning-off a feature to configure the first device until the first device is in an un-configured state". Examiner respectfully disagrees, Ylonen teaches that the management station looks for new devices and if the device is in an un-configured state the station will configure the device once it finds the device whether it is new or un-configured (column 7, lines 1-20, column 9, lines 1-2).

Applicant asserts Philippou does not disclose the claim that the first device being part of a second device. Examiner respectfully disagrees, the first device which is the network interface which can also be connected to the to be configured box which makes it part of the second device.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Applicant asserts that Philippou does not teach, a device providing console capabilities to the second device." Examiner respectfully disagrees, Philippou et al discloses a network interface, which is part of and can be embedded in the first device and can provide console capabilities to the first device (column 3, 43-50). The computer system in Philippou et al may be used for the other boxes as well (column 2, 60-67, column 3, 43-50). The first device which is the network interface which can also be connected to the to be configured box which makes it part of the second device and inherently since the network interface is providing the information from the configuring machine the device is providing console capabilities to the second device. The first device by providing information from the configuring machine provides the second device with console capabilities by connecting the second device and delivering the device the capability to perform as a console.

Applicant asserts Philippou does not teach sending the first parameter to a table and obtaining the first parameter from this table. Examiner respectfully disagrees, the table in Philippou's figure 4 is from data collected prior to the configuration and it is well known in the art that this data is stored in a table before being accessed.

Applicant asserts the claimed media access control address is patentably distinguished from the serial number in Philippou. Examiner respectfully disagrees; Philippou et al discloses a unique identifier, which includes a serial number (column 3, 16-18). It is widely known that the media access control address is a unique device identifier.

Applicant asserts that the computer system in Philippou interfacing to external systems or boxes has nothing to do with the claimed "the first device performing the step of acquiring the first parameter." Examiner respectfully disagrees, Philippou et al, shows of the network interface communicating with external systems and boxes which inherently allows the first device to acquire the first parameter (column 3, 48-50).

Applicant asserts Philippou does not disclose the claim that the first device being part of a second device, and the second device obtaining the first parameter, and acquiring the first parameter from the second device. Examiner respectfully disagrees, the first device which is the network interface which can also be connected to the to be configured box which makes it part of the second device and inherently since the network interface is providing the information from the configuring machine the device is providing console capabilities to the second device.

Applicant asserts Philippou does not disclose the second device being part of the first device and communicating with the first device via an interconnect. Examiner respectfully disagrees, the first device which is the network interface which can also be connected to the to be configured box which makes it part of the second device and Philippou et al discloses the second device being part of a bus which is widely known to consist of an input-output interconnect, a peripheral component interconnect bus, and industry standard architecture bus, an extended industry architecture bus, an infiniband and a personal computer memory card international association standard.

Applicant asserts Philippou does not disclose the device identifier being selected from a group of well known identifiers. Examiner respectfully disagrees, Philippou et al

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discloses a unique identifier, which includes a serial number (column 3, 16-18). It is widely known that the media access control address is a unique device identifier.

Applicant asserts Philippou et al in view of Ylonen does not make disclose, suggest, or make obvious the claimed "an address resolution protocol command sending the internet protocol address to the table; and a packet internet groper protocol command obtaining the internet protocol from the table." Examiner respectfully disagrees, it is well known in the art that an address resolution protocol command is used to send to a table and a packet internet groper protocol command is able to obtain from a table.

Applicant also asserts Philippou et al in view of Ylonen does not teach the claimed "sending a command with the first parameter in a packet, the command being executed in the first device. Examiner respectfully disagrees, Ylonen teaches of a packet with a parameter and commands, which are in turn executed by the device (column 7, 1-7, 20-29).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Gillis
Examiner
Art Unit 2141

BJG



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SUPERVISORY PATENT EXAMINER